

**City of Cincinnati - Police Department
Supervisory Performance Report**

Performance Date: 10/1/18

A	A - Annual
P	P - Probationary
S	S - Special

Personal Information

Officer's Name: Last, First, MI <u>Fern, Michael D.</u>	Badge No. <u>L48</u>	Employee ID No. <u>13963</u>	Rank <u>Lieutenant</u>	Assignment <u>District Two</u>
Inclusive Dates of Rating Period <u>10/22/17-10/21/18</u>				
Rank and Name of Rater: <u>Captain Aaron R. Jones</u>		Rater's Employee ID No: <u>13510</u>		
Rank and Name of Reviewer: <u>Lieutenant Colonel Paul W. Neudigate</u>		Reviewer's Employee ID No: <u>13945</u>		

Part 1: Core Performance Anchors

RATING

1. Attendance	Unacceptable
2. Community Partnerships	Meets Standards
3. Complies with Policies and Procedures	Needs Improvement
4. Customer Service	Meets Standards
5. Decision Making	Meets Standards
6. Grooming and Dress	Meets Standards
7. Problem Solving	Meets Standards
8. Teamwork	Unacceptable
9. Work Product	Needs Improvement
10. Written Communication Skills	Exceeds Standards

Part 2: Supervisory Performance Anchors

RATING

11. Administrative Skills	Needs Improvement
12. Evaluating Employees	Meets Standards
13. Incident Management	Meets Standards
14. Leadership	Unacceptable
15. Personnel Development	Meets Standards

Part 3: Employee Tracking Solution Review (Check all categories which had activity)

<input type="checkbox"/> Investigative Reports	<input type="checkbox"/> Employee Injuries	Service Award Status	
<input checked="" type="checkbox"/> Court Appearances	<input type="checkbox"/> Citizen Complaints	Exemplary Conduct Award	Safe Driving Award
<input type="checkbox"/> Vehicle Crashes	<input type="checkbox"/> Civil Suits	<input type="checkbox"/> Eligible	<input checked="" type="checkbox"/> Eligible
<input type="checkbox"/> Vehicle Pursuits	<input type="checkbox"/> Internal Investigations	<input type="checkbox"/> Not Eligible	<input type="checkbox"/> Not Eligible
<input type="checkbox"/> Canine Bites		<input type="checkbox"/> Continued Status	<input type="checkbox"/> Continued Status
Rater's Initials: <u>AKJ</u>	Employee's Initials: <u>[Signature]</u>	<input checked="" type="checkbox"/> Discontinued due to discipline	<input type="checkbox"/> Discontinued due to A/A Date:

Part 4: Rater Narrative (Required)

(Provide additional supporting information for all Exceptional and Unacceptable ratings)

Captain Jones was assigned to District Two in January of 2018. Lieutenant Fern was assigned to District Two during the entire rating period. Upon his arrival to District Two, Captain Jones met with Lieutenant Fern to discuss protocol for when and how Lieutenant Fern could request time off. This is due to Lieutenant Fern's long history of attendance problems. During the rating period, Lieutenant Fern received a Written Reprimand, PEAP Referral, and Administrative Insight involving an incident where he telephoned Captain Jones while under the influence of alcohol and improperly requested time-off from a court appearance. Lieutenant Fern has exhausted all of his time balances on numerous occasions during the rating period and continues to dip below his rolling 480 allotment for FMLA off time. In total, Lieutenant Fern was absent approximately thirty three percent of the time he was scheduled to be at work. Lieutenant Fern's constant absenteeism affects the efficient operation of District Two's Third Relief, and the District as a whole. Administrative tasks/memos are frequently late and stuck in queue. Without having one supervisor to pass on information or directives, Captain Jones is forced to work with multiple sergeants to disseminate critical tasks. The sergeants under Lieutenant Fern's command operate under the assumption he will not be present.

Lieutenant Fern is intelligent and has excellent written communication skills when he applies himself. That is the most disappointing aspect of Lieutenant Fern's performance. Lieutenant Fern can get the job done when he is at work. Lieutenant Fern has the necessary skills to review, evaluate, and make decisions commensurate to rank of lieutenant. The problem is that Lieutenant Fern is absent so much, it affects every aspect of his job performance. No matter how good Lieutenant Fern could be at his job, it's negated by the fact he does not come to work. The high absenteeism has caused Lieutenant Fern to lose credibility in the eyes of those he commands. This fosters a poor working environment for his team. As a leader of a relief, Lieutenant Fern should serve as an example to others at the workplace.

Captain Jones has met with Lieutenant Fern on several occasions to discuss the concerns regarding the absenteeism, and the affects it has on his job performance and his relief as a whole. Lieutenant Fern had a positive attitude during the meetings; however, the high rate of absence continues.

Rater's Initials: AKJ

Part 5: Overall Rating

EXCEPTIONAL	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
<input type="checkbox"/>	<input type="checkbox"/> (+)	<input type="checkbox"/> (+)	<input checked="" type="checkbox"/> (+)	<input type="checkbox"/>
	<input type="checkbox"/> (-)	<input type="checkbox"/> (-)	<input type="checkbox"/> (-)	

Part 6: Reviewer Narrative (Required)

I concur with Captain Jones' rating and assessment; Lieutenant Fern has the skills to excel at his position but he currently does not perform at an acceptable level commensurate with his peers at the rank of lieutenant.

Reviewer's Initials:

Pearl

Part 7: Employee – Career Goals/Training Needs or Wants/Comments on Evaluation (Optional)

Performance Review Conducted On: 10/22/18

Rater's Initials:

[Signature]

Employee's Initials:

[Signature]

Rater's Signature:

[Signature]

Date:

10/22/18

Reviewer's Signature:

LTC [Signature]

Date:

10.12.18

Employee's Signature:

[Signature]

Date:

10-22-2018

☐ I request a meeting with the Reviewer

Met with Reviewer on: _____

Reviewer Initials: _____

Employee Initials: _____

ETS
Chris

City of Cincinnati
Notice of Official Reprimand

To: Michael Fern Employee I.D. Number 13963
 Title: Police Lieutenant Effective Date of Reprimand
 Department: Police
 Organization Code: 1121 Penalty Code 0 8

Reason Codes

You are hereby officially reprimanded for the following reason(s):
 (Enter up to 3 Codes)

1	2	3
05	06	

- 02 - Incompetency
- 03 - Inefficiency
- 04 - Dishonesty
- 05 - Insubordination
- 06 - Neglect of Duty
- 07 - Failure of Good Behavior
- 08 - Substance Abuse
- 09 - Excessive Absenteeism
- 10 - Violation of Civil Service Rules/C.S. Law/Code of Ethics
- 11 - Other

Explain in Full Reason for Reprimand:

SPECIFICATION I:

Captain Aaron Jones, Badge: C1, District Two, has directed Lieutenant Fern on numerous occasions, in person, via text message, and through ETS that all his time off requests must go through Captain Jones first. Specifically, Lieutenant Fern was made aware of the requirement on the following occasions:

January 16, 2018 Via ETS Case #2018-232352.1
 February 3, 2018 Via iMessage from Captain Jones stating, "You have to call me to take off."
 February 3, 2018 Via ETS Case #2018-232904.1
 February 4, 2018 Via iMessage from Captain Jones stating, "Your time off is not approved until I approve it."

On February 9, 2018, Lieutenant Fern contacted Sergeant Daniel Proffitt, Badge: S462, District Two, to request a Form 678, Change in Court Appearance, for the court appearance on February 12, 2018, without contacting Captain Jones first.

On February 12, 2018, Lieutenant Fern contacted Sergeant William Hahn, Badge: S10, District Two, to request a Form 678, Change in Court Appearance, for the February 12, 2018, court appearance without contacting Captain Jones first.

Lieutenant Fern's actions are in violation of Rule 4.01 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department, which states:

4.01 Members of the Department shall promptly obey the legitimate orders of superior officers and other members acting in a supervisory capacity.

A. Conflicting Orders

1. Department personnel who are given an order by a supervisor that conflicts with a previously issued order by a different supervisor are to respectfully inform the supervisor issuing the second order of the conflict. That supervisor must then decide which order stands.
2. Department rank structure must be considered. Personnel are not responsible for disobedience to an order they were properly ordered to disregard.

B. Unlawful Orders

1. Personnel are not to obey any order they know would require them to commit an illegal act.

SPECIFICATION II:

On February 9, 2018, Lieutenant Fern contacted Sergeant Proffitt to request a Form 678, Change in Court Appearance, for a court appearance on February 12, 2018. It appears Lieutenant Fern told Sergeant Proffitt that he was on scheduled vacation and would not be able to attend court. Sergeant Proffitt submitted the Form 678, Change in Court Appearance, based on that information.

In actuality, Lieutenant Fern was not on scheduled vacation on February 12, 2018. Captain Jones specifically approved Lieutenant Fern's vacation from February 4, 2018, through February 10, 2018. This was confirmed by a February 5, 2018, iMessage from Captain Jones to Lieutenant Fern. Lieutenant Fern acknowledged that iMessage. Therefore, when Lieutenant Fern told Sergeant Proffitt he was on scheduled vacation, he was intentionally giving inaccurate information.

On February 12, 2018, Lieutenant Fern contacted Sergeant Hahn and requested a Form 678, Change in Court Appearance, for a court appearance on February 12, 2018. Lieutenant Fern told Sergeant Hahn that he was not needed for the case because it was a District One incident. Finally, Lieutenant Fern told Sergeant Hahn that he was sick with pay (SWP).

Later on February 12, 2018, Lieutenant Fern contacted Captain Jones and requested a Form 678, Change in Court Appearance, for a court appearance on February 12, 2018. Lieutenant Fern told Captain Jones, "I don't want to go" and that he was not needed for the case as there were "20 other people going." After additional questioning by Captain Jones, Lieutenant Fern stated, "I don't feel good. My blood pressure is high."

Lieutenant Fern's actions are in violation of Rule 2.03(b) of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department, which states:

2.03 Members shall submit all necessary reports on time and in accordance with established Departmental procedures. This rule is intended to be used for situations not rising to the level of seriousness outlined in Rule 5.01.

- B. Reports submitted by members, as well as official statements, whether verbal or written, that contain inaccurate, incomplete, or improper information, including omissions, as a result of intentional conduct by members designed to mislead are covered under Section B of Rule 2.03.

A copy of this notice is being placed on your record. This notice is given to you with the hope you will improve your conduct and performance. If further discussion of your performance will help, I will be glad to meet with you.

Served by

Signed

on (date)

Title

EMPLOYEE'S SIGNATURE

DATE

Department: Police

To The Employee: Your signature is requested here only as an indication that you have seen this reprimand. Your signature is not intended to imply that you agree with the reprimand.

Distribution: Original: Employee

Copies after signature: Civil Service; Police Department; Supervisor